

REPORT OF THE 2003 SALARY SETTING SESSION



**WASHINGTON CITIZENS'
COMMISSION ON SALARIES FOR
ELECTED OFFICIALS**

JUNE 2003

Introduction

This report is intended to provide Washington's citizens and their elected officials with an overview of the work of the Citizens' Commission on Salaries for Elected Officials in its 2003 salary setting session.

The Commission was created through the passage of House Joint Resolution 49, the 78th amendment to the Constitution, which was approved by the voters of the state on November 4, 1986. The measure removed the salary-setting function for the state's elected officials from the Legislature and vested it in an independent 16 member citizen commission.

Anticipating approval of the constitutional amendment, the Legislature passed ESHB 1331 which established the Commission on January 1, 1987. The first rotation of commissioners was appointed on February 15, 1987 and held its first meeting on February 25th.

The Commission is charged with setting the salaries of the elected officials in the Executive, Legislative, and Judicial branches of state government:

- Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction, Commissioner of Public Lands, and the Insurance Commissioner.
- Members of the Legislature.
- Supreme Court Justices and judges of the court of appeals, superior courts, and district courts.

Legal Authority

Legal authority for the Commission's operation is found in Article 28 of the Washington State Constitution and Chapter 43.03.300 to .310 RCW.

Article 28 of the Constitution

Salaries for members of the legislature, elected officials of the executive branch of state government, and judges of the state's supreme court, court of appeals, superior courts, and district courts shall be fixed by an independent commission created and directed by law to that purpose.

RCW 43.03.300

...declares it to be the policy of this state to base salaries of elected state officials on realistic standards in order that such officials may be paid according to the duties of their offices and so that citizens of the highest quality may be attracted to public service.

RCW 43.03.305

There is created a commission to be known as the Washington citizens' commission on salaries for elected officials, to consist of 16 members appointed by the governor...

RCW 43.03.310

...the commission...shall study the relationship of salaries to the duties of members of the legislature, all elected officials of the executive branch of state government, and all judges of the supreme court, court of appeals, superior courts, and district courts, and shall fix the salary for each respective position.

The Appointment Process

The Commission consists of 16 unpaid, citizen members who are selected by two methods:

- Nine members are randomly drawn by the Secretary of State from the rolls of registered voters, one from each congressional district.
- Seven members are selected jointly by the Lieutenant Governor in his capacity as President of the Senate and the Speaker of the House of Representatives: one each from private institutions of higher education, business, professional personnel management, the law, and organized labor; two are recommended for appointment, one by the chair of the State Personnel Resources Board and the other by the presidents of the state's four-year institutions of higher education.

The names of the 16 appointees are submitted to the Governor for formal appointment. The Governor may not remove a member unless there is cause for incapacity, incompetence, neglect of duty, malfeasance in office, or for a disqualifying change of residence. A disqualifying change of residence would occur if a commissioner moved out of the state or if a Congressional District appointee moved outside the boundaries of his or her district.

Appointment Criteria

Statute requires that commissioners:

- Reside in the state.
- May not be or have an immediate family member who is a state official, public employee, or lobbyist. Immediate family is defined as parents, spouse, siblings, children, or dependent relatives regardless of whether they reside in the appointee's household.
- The seven members selected by the Secretary of the Senate and the Speaker of the House must have personnel management experience.

Commissioners' Terms

Legislation was enacted in 1999 to stagger commissioners' terms. From the Commission's beginning in 1987 through the 1999 appointments, all commissioners' terms were for four years and began and ended on February 15th of an odd-numbered year. This not only resulted in a lack of continuity, but allowed for the possibility of a complete turnover of members.

On July 1, 2002, the Governor implemented staggered terms by appointing, by lot, eight members to a two-year term that will end on July 1, 2004 and eight members to a four-year term that will end on July 1, 2006. Beginning with the appointments the Governor will make on July 1, 2004, all commissioners will be appointed to a four-year term with eight members appointed every two years.

To serve a second term, an appointee from one of the congressional districts would have to have his or her name randomly drawn a second time by the Secretary of State or meet the criteria and be selected through the legislative appointment process.

Commission Members

The 2003 Commission was the first appointed under the staggered terms legislation. To implement staggered terms the Governor, on July 1, 2002, appointed eight individuals to serve a two-year term and eight individuals to serve a four-year term. Ms. Byington and Mr. Ryan were appointed to serve a second four-year term.

Current commission members are:

Name	Area Represented	Term
Sue Byington	State Personnel Resources Board	Four Years
Christine Coakley	Congressional District #9	Two Years
Alan Doman	Congressional District #1	Four Years
Kathleen Hanson	Congressional District #4	Four Years
Kamaria Hightower	Organized Labor	Two Years
David Holzmeister	Congressional District #3	Four Years
Ron Hopkins	Public Higher Education	Two Years
Willeen Denton Hornbeck	Professional Personnel Management	Four Years
David Irwin	Private Higher Education	Two Years
Benjamin Keylin	Congressional District #7	Two Years
Yvonne Nash	Congressional District #6	Two Years
Anne "Topper" O'Connell	Congressional District #5	Two Years
Jan Eric Peterson	The Law	Two Years
Charles Ryan	Business	Four Years
Dr. William Schwartz	Congressional District #2	Four Years
Shirley Wicks	Congressional District #8	Four Years

The Salary Setting Process

The law (Chapter 43.03.300 RCW) states that the purpose in creating the Salary Commission is to establish proper salaries for the elected officials, thus removing political considerations from the process.

In setting the salaries of the elected officials, the Commission is directed to attract citizens of the highest quality to public service by basing salaries on realistic standards and paying the elected officials according to the duties of their office.

State law also specifically directs how and when the business of setting the salaries of the state's elected officials will be conducted.

The Commission is required to set a two-year salary schedule for the elected officials in the timeframe of January through May of each odd-numbered year.

The first step in the 2003 salary setting process took place on January 23rd with the adoption of a "proposed" salary schedule for the coming two-year period. Four public meetings were held in areas around the state to provide the public an opportunity to comment on the "proposal".

At the last public meeting on May 19th, the Commission adopted a final two-year salary schedule. That salary schedule was filed with the Secretary of State on May 29, 2003. State law requires that it be filed not later than the first Monday in June. The salary schedule adopted will become law 90 days after filing unless overturned by voter referendum. The two-year salary schedule will take effect on September 1, 2003 and September 1, 2004.

In setting the elected officials' salaries, the Commission may:

- Make salary adjustments to individual positions, to a group of positions (such as the Judiciary), or to all positions;
- Grant an across-the-board cost of living adjustment (COLA); or
- Make no change, retain the current salary level.

The Constitution expressly forbids the Commission from decreasing an elected official's salary during his or her term of office.

The Commission sets the salaries of the following positions:

	<u># of Positions</u>
<u>Executive Branch</u>	9
Governor	
Lieutenant Governor	
Secretary of State	
Treasurer	
Auditor	
Attorney General	
Superintendent of Public Instruction	
Commissioner of Public Lands	
Insurance Commissioner	
<u>Legislative Branch (147)</u>	
Members of the House	98
Members of the Senate	49
<u>Judicial Branch (319)</u>	
Justices of the Supreme Court	9
Judges of the Court of Appeals	22
Superior Court Judges	175
District Court Judges	<u>113</u>
(28 are part-time)	
Total Positions	475

Notes:

1. The Commission does not set salaries of municipal judges
2. Superior court judges' salaries are funded 50/50 by the state and the county in which the court is located.
3. District court judges' salaries are funded 100% by the county in which the court is located.

The 2003 Salary Setting Session

Ms. Byington was elected Chair and Mr. Ryan was elected Vice Chair.

As noted above, statute is very specific about how and when the salary setting business must be conducted. In meeting the Constitutional mandate to set the salaries of the elected officials, the following public meetings were held:

Date	Meeting	Location
January 23	Public Hearing, presentations by the elected officials, and work session. Adopt proposed salary schedule for 2003-04.	Olympia
February 27	Public Hearing and work session	Vancouver
March 27	Public hearing and work session	Yakima
April 24	Public hearing and work session	Spokane
May 19	Public hearing and work session. Adopt final salary schedule for 2003 and 2004	SeaTac

Meeting Highlights

January 23rd Meeting in Olympia

- The elected officials were invited to make a presentation about the duties and responsibilities of their positions. Making presentations were:
 - Doug Sutherland, Commissioner of Public Lands
 - Dan Speigle, Deputy Secretary of State for the Secretary of State
 - Mike Kreidler, Insurance Commissioner
 - Christine Gregoire, Attorney General
 - Mike Murphy, Treasurer
 - Brad Owen, Lieutenant Governor
 - Brian Sonntag, Auditor
 - Dr. Terry Bergeson, Superintendent of Public Instruction
 - Mary McQueen, Administrator for the Courts for the Judiciary
 - Senator James West and Representative Lynn Kessler for the Legislature
- As required by statute, a two-year salary "proposal" was adopted to present to the public for comment. That proposal called for no increase in 2003 and a 2.5% across-the-board cost-of-living adjustment (COLA) in 2004. The rationale behind the proposal was:
 - Budget and economic conditions were taken into consideration by the recommendation of a zero increase for 2003.
 - The Commission is charged by law with maintaining elected officials' salaries at a level so that citizens of the highest quality may be attracted to public service. The Commission wanted to avoid the need for large catch-up increases in future years.
 - The 2.3% COLAS granted for 2001 and 2002 slightly exceeded the actual cost of living increases as measured by the statewide Implicit Price Deflator (IPD).
 - The expected inflation rate (based on the State Economist's IPD forecast) is 2.3% for 2003 and 2.7% for 2004; the 2.5% increase proposed for 2004 was the mid point between them.

- The net result was that the proposed salary schedule avoided impact on the 2003 fiscal year budget but maintained elected officials' salaries approximately equal to the anticipated general inflation through August 2005.

February 27th Meeting in Vancouver

- The Commission approved contracting with the Department of Personnel for a Willis review and evaluation of the Executive Branch elected officials' positions.
- Pending legislation having a potential effect on the Commission was discussed.

March 27th in Yakima

- Cary Randow, Compensation Manager for the Department of Personnel presented an evaluation of the Executive Branch elected officials' positions using the Willis point factor system.
- A formal Attorney General Opinion on the authority of the Commission to consider economic and budget issues in setting the elected officials' salaries was discussed.

April 24th Meeting in Spokane

- Dr. Chang Mook Sohn, Executive Director of the Forecast Council presented information on the state's economic condition and the March 2003 forecast.
- Chief Justice Gerry Alexander, Judge John Schultheis (Chief Judge of the Court of Appeals), Judge Kathleen O'Conner (Spokane County Superior Court), Judge Sara Derr (Spokane County District Court), and Mary McQueen, Administrator for the Courts presented information about the duties and responsibilities of the judiciary.

May 19th Meeting in SeaTac

Commissioners adopted the 2003-04 salary schedule for the state's elected officials. Statute requires an affirmative vote of 9 members to enact salary changes.

Prior to beginning its decision-making process, the Chair stated that the Commission was faced with a difficult decision in trying to balance testimony heard with its mandate to *"...base the salaries of the elected officials on realistic standards in order that such officials may be paid according to the true value of their services and the best qualified citizens may be attracted to public service."*

- By a vote of 15 to 1, commissioners made equity adjustments to the positions of Secretary of State and Insurance Commissioner to recognize the increased duties and responsibilities of these positions and to align them with the positions of Treasurer and Auditor. These adjustments take effect September 1, 2003.
- By unanimous vote (16 to 0) commissioners did not grant across the board cost-of-living increases for 2003. The current salary level was retained.
- By a vote of 11 to 5, commissioners authorized a 2.0% across the board cost-of-living increase to all positions effective September 1, 2004.
- A motion to not grant cost-of-living adjustments to legislators in 2004 failed 11 to 5.

Minutes of the meetings may be obtained by calling (360) 586-7543 or sending a request via email to tamarap@salaries.wa.gov.

All meetings were well publicized and the public was invited to attend and present their views. Those citizens who could not attend the meetings were encouraged to make their views known via mail, phone, fax, or e-mail. Information was also available through the Commission's web site at www.salaries.wa.gov with direct links to staff for ease of public access.

Prior to each meeting staff contacted local and state news media. Interested individuals, business, civic, service, political, local government, and other organizations/groups were also contacted. The internet proved to be invaluable in providing contact information for organizations in the communities in which the meetings were held. In spite of these efforts, attendance at meetings was small. However, over 500 emails and phone calls were received, tabulated, and the information provided to commissioners.

Factors Considered in the Salary Setting Process

Commissioners considered many factors and much data in their decision-making process. Some of the factors considered include:

- Oral, written, and emailed testimony from citizens. Over 500 emails and phone calls from the public were received. The majority spoke against increases based on the economy and the Legislature not funding increases for state employees and teachers.
- Formal testimony by the elected officials of the Executive, Legislative, and Judicial branches at the January 23, 2002 meeting. See page 5 for a list of the elected officials who provided testimony.
- Documentation relative to the duties of the judiciary and testimony from the Chief Justice regarding the importance of small, regular cost-of-living increases.
- Testimony and documentation regarding equity adjustments for the positions of Secretary of State and Insurance Commissioner.
- A formal Attorney General's Opinion regarding the factors the Commission may consider in its decision-making process.
- Results of the Willis Evaluation of the Executive Branch elected officials' positions by the Department of Personnel.
- A presentation on the state economy by Dr. Chang Mook Sohn, Executive Director of the Washington State Forecast Council.
- The November 2002 and March 2003 economic forecasts from the Office of the Forecast Council.
- Reports, studies, and data regarding the economy, revenue and expenditures, wage and salary trends, etc.,
- Comparison data from the Council of State Governments' *2002 Book of the States* of Executive Branch elected positions in the other states, both in duties and salaries.
- A comparison of judicial salaries from the Council of State Governments' *2002 Book of the States* and an October 2000 report, *National Comparison of State Court Judicial Salaries*, by the Office of the Administrator for the Courts.
- A comparison of legislative salaries, per diem, and other allowances in the United States from a report by the National Conference of State Legislatures. Comparison data was also taken from the Council of State Governments' *2000-01 Book of the States*.

◆ Washington Citizens' Commission on Salaries for Elected Officials

- Comparisons of the salaries of county, and city public positions in the state with the salaries of the state elected officials from the *2002 Salary and Benefits Survey* conducted by the Association of Washington Cities.
- A comparison of the salaries of the appointed agency heads (directors) set by the State Committee on Agency Officials' Salaries vs. the salaries of the Executive Branch elected officials.
- A report titled, *Comparative Analysis of Salaries and Work Responsibilities of Washington State Legislators* provided by Senator James West.
- Considerable salary data from the Department of Personnel.
- Position descriptions for the elected officials.
- Information showing positions in the offices of the elected officials' whose salaries are higher than the elected official.
- The House, Senate, and Governor Locke's budget proposals for 2003-05.
- Salary history for the state's elected officials as well as the history of increases received since 1987 by elected officials, state employees, and teachers.
- The benefits package for elected officials and public employees.

The salary schedule adopted for 2003-04 is presented on the following page.

2003-04 Salary Schedule

The following salary schedule was adopted at an open public meeting on May 19, 2003 at the Wyndham Hotel in Sea-Tac.

Position	Effective Sept. 1, 2003	Effective Sept. 1, 2004
<i>Executive Branch</i>		
Governor	142,286	145,132
Lieutenant Governor	74,377	75,865
Secretary of State	99,708	101,702
Treasurer	99,708	101,702
Auditor	99,708	101,702
Attorney General	129,351	131,938
Superintendent of Public Instruction	101,750	103,785
Commissioner of Public Lands	101,750	103,785
Insurance Commissioner	99,708	101,702
<i>Judicial Branch</i>		
Supreme Court Justices	134,584	137,276
Court of Appeals Judges	128,116	130,678
Superior Court Judges	121,972	124,411
District Court Judges	116,135	118,458
<i>Legislative Branch</i>		
Legislators	33,556	34,227
Speaker of the House	41,556	42,227
Senate Majority Leader	41,556	42,227
House Minority Leader	37,556	38,227
Senate Minority Leader	37,556	38,227

Notes

1. The 2003-04 Salary Schedule was adopted by the Commission at an open public meeting on May 19, 2003.
2. For 2003 – No across-the-board cost-of-living increases were granted. However, equity adjustments were made to the positions of Secretary of State and Insurance Commissioner to recognize increased duties and to bring them into alignment with the positions of Treasurer and Auditor.
3. For 2004 – A 2.0% across-the-board cost-of-living increase was made to all positions.
4. Four legislative positions receive an annual stipend to compensate them for their leadership duties. The Speaker of the House and Senate Majority Leader receive an additional \$8,000 and the House Minority Leader and Senate Minority Leader receive an additional \$4,000. The across-the-board cost-of-living adjustment for these positions is applied to their base pay; the leadership stipend is added to the base pay.
5. The effective date of the 2003-04 salary schedule is September 1, 2003 and September 1, 2004.
6. A chart showing the salary history of the elected officials from 1987 when the Commission began setting the salaries through the 2003-04 salary schedule is presented on the following pages.
7. The Commission will meet again in early 2005 to adopt a salary schedule for 2005 and 2006.

Salary History 1987 to 2004

Position	1987	1988	1989	1990	1991	1992	1993	1994	1995
Executive Branch									
Governor	83,800	93,900	96,700	99,600	112,000	121,000	121,000	121,000	121,000
Lieutenant Governor	45,000	48,000	51,100	52,600	58,600	62,700	62,700	62,700	62,700
Secretary of State	46,300	50,200	52,600	54,200	60,100	64,300	64,300	64,300	64,300
Treasurer	54,250	62,050	65,000	67,000	74,400	79,500	79,500	79,500	84,100
Auditor	55,250	64,050	67,100	69,100	77,800	84,100	84,100	84,100	84,100
Attorney General	63,800	72,200	75,700	78,000	86,400	92,000	92,000	92,000	92,000
Supt. of Public Instruction	59,950	66,600	69,800	71,900	80,500	86,600	86,600	86,600	86,600
Com. of Public Lands	59,950	66,600	69,800	71,900	80,500	86,600	86,600	86,600	86,600
Insurance Commissioner	53,700	61,000	63,900	65,800	72,700	77,200	77,200	77,200	77,200
Judicial Branch									
Supreme Court Justices	75,900	82,700	86,700	89,300	99,900	107,200	107,200	107,200	109,880
Court of Appeals Judges	72,100	78,600	82,400	84,900	95,000	101,900	101,900	101,900	104,448
Superior Court Judges	68,500	74,600	78,200	80,500	90,100	96,600	96,600	96,600	99,015
District Court Judges	62,100	71,000	74,400	76,600	85,700	91,900	91,900	91,900	94,198
Legislative Branch									
Legislator	15,500	16,500	17,900	19,900	23,900	25,900	25,900	25,900	27,100
Speaker of the House	*	*	19,700	21,900	29,000	33,900	33,900	33,900	35,100
Senate Majority Leader	*	*	18,800	20,900	25,100	29,900	29,900	29,900	31,100
House Minority Leader	*	*	18,800	20,900	25,100	29,900	29,900	29,900	31,100
Senate Minority Leader	*	*	18,800	20,900	25,100	29,900	29,900	29,900	31,100

*The annual legislative stipend for leadership duties was not adopted until the 1989 salary setting session.

Position	1996	1997	1998	1999	2000	2001	2002	2003	2004
Executive Branch									
Governor	121,000	121,000	121,000	132,000	135,960	139,087	142,286	142,286	145,132
Lieutenant Governor	62,700	62,700	62,700	69,000	71,070	72,705	74,377	74,377	75,865
Secretary of State	64,300	69,000	69,000	75,900	78,177	89,001	91,048	99,708	101,702
Treasurer	84,100	84,100	84,100	92,500	95,275	97,466	99,708	99,708	101,702
Auditor	84,100	84,100	84,100	92,500	95,275	97,466	99,708	99,708	101,702
Attorney General	92,000	93,000	93,000	120,000	123,600	126,443	129,351	129,351	131,938
Supt. of Public Instruction	86,600	86,600	86,600	94,394	97,226	99,462	101,750	101,750	103,785
Com. of Public Lands	86,600	86,600	86,600	94,394	97,226	99,462	101,750	101,750	103,785
Insurance Commissioner	77,200	77,200	77,200	86,000	88,580	90,617	92,702	99,708	101,702
Judicial Branch									
Supreme Court Justices	109,880	112,078	112,078	120,000	123,600	131,558	134,584	134,584	137,276
Court of Appeals Judges	104,448	106,537	106,537	114,000	117,420	125,236	128,116	128,116	130,678
Superior Court Judges	99,015	100,995	100,995	108,300	111,549	119,230	121,972	121,972	124,411
District Court Judges	94,198	96,082	96,082	102,885	105,972	113,524	116,135	116,135	118,458
Legislative Branch									
Legislators	28,300	28,300	28,300	31,130	32,064	32,801	33,556	33,556	34,227
Speaker of the House	36,300	36,300	36,300	39,120	40,064	40,801	41,556	41,556	42,227
Senate Majority Leader	32,300	32,300	32,300	35,130	36,064	40,801	41,556	41,556	42,227
House Minority Leader	32,300	32,300	32,300	35,130	36,064	36,801	37,556	37,556	38,227
Senate Minority Leader	32,300	32,300	32,300	35,130	36,064	36,801	37,556	37,556	38,227

The Commission was created by the citizens of the state of Washington by the passage of a constitutional amendment in 1986. Statute directs the Commission to:

Attract citizens of the highest quality to public service by basing the salaries of the elected officials on realistic standards and paying them according to the duties of their office.

Contact Information

PO Box 43120
1210 Eastside Street, First Floor
Olympia, WA 98504-3120
(360) 586-7542 and 586-7543
(360) 586-7544 (fax)
www.salaries.wa.gov

Staff

Carol Sayer, Director
carols@salaries.wa.gov

Tamara Pinero, Executive Assistant
tamarap@salaries.wa.gov

Sue Byington, Chair
Charles Ryan, Vice Chair